

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
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VIA ECF

August 26, 2020

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees ("PECs"), with the consent of the Merits and Personal Jurisdiction Defendants ("Defendants"), write to respectfully request the Court's approval for an extension of the deadline for service of the Plaintiffs' rebuttal expert reports. The existing schedule, was set as part of ECF No. 6132 (granting the parties' request at ECF No. 6128), due to the disruptions caused by the COVID-19 pandemic. In light of the continuing COVID-19 disruptions, scheduling conflicts among the Plaintiffs' potential rebuttal experts, and the fact that the Defendants served 17 reports totaling more than 1,200 pages on Plaintiffs on August 7, 2020, the PECs request that the deadline for Plaintiffs' rebuttal reports be adjusted to December 11, 2020.

1. Background

Plaintiffs' rebuttal expert reports are currently due on September 8, 2020. As this Court is aware, the impacts of the COVID-19 virus continue essentially unabated, restricting travel, business operations, in-person meetings, and affecting personal and professional schedules. On August 7, 2020, five months after Defendants receipt of the four expert reports Plaintiffs served on Defendants (on March 10, 2020), Defendants served 17 reports totaling more than 1,200 pages. Based on a preliminary assessment of the 17 reports, polling of some potential experts' availability, and the PECs' own schedule, we know that it will not be possible to analyze the 17 reports, collect and analyze the reliance materials, provide the materials to potential experts for their analysis, and obtain for service rebuttal expert reports within the current 30-day window. Our best estimate on that turnaround time, particularly as complicated by the existing pandemic restrictions, is four to five months from our receipt of the Defendants' reports on August 7, 2020.

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2. Extension Request

As with the request made in April (ECF No. 6128), we remain aware of the continued uncertainty regarding the circumstances resulting from COVID-19. We are also mindful that the request granted in April, which arose in the context of trying to avoid piecemeal extensions for service of the Defendants' expert reports, resulted in the Defendants having five months to respond to Plaintiffs' four expert reports.

Here, for similar reasons, Plaintiffs request, with Defendants' consent, that the Court grant an extension from September 8, 2020 until December 11, 2020, for Plaintiffs to serve rebuttal expert reports. For essentially the same reasons, we also propose that the Court extend the deadline for completing expert discovery of the proposed 21 experts to February 19, 2021 (just over 90-day extension from the current November 13, 2020 deadline).

Respectfully submitted,

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For the Plaintiffs' Exec. Committees

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF